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## **POLICY 16.1.4**

### **ESTABLISHING AUTHORIZED PRESENCE**

#### **Summary of Changes**

Amended Section S to include a bulleted list and category codes related to the use of a USCIS Employment Authorization Card. Non-operating identification card was added to the bulleted list in section D.

#### **Purpose**

To provide guidelines for the Customer Service Representative (CSR) to use when establishing authorized presence and, when applicable, issuing a Type F (limited) license.

#### **Policy**

- A. Arizona Revised Statutes (A.R.S.) § 28-3153(D) provides that the Motor Vehicle Division (MVD) shall not issue to or renew a driver license or non-operating identification license for a person who does not submit proof satisfactory to MVD that the applicant's presence in the United States is authorized under federal law. MVD is required to determine that each applicant meets the requirements of the law.
- B. MVD reserves the right to review, consider and request additional information and documentation in making determinations regarding authorized presence.
- C. The CSR shall ensure that the customer meets authorized presence requirements (when applicable) and that the documentation presented is genuine and in proper form.
- D. The customer must present proof of authorized presence when applying for:
  - An original Arizona license
  - The renewal of a limited Arizona license
  - The renewal of an extended Arizona license when there is no database record showing the customer's previous establishment of authorized presence
  - The reinstatement of any license
  - Non-operating identification card

Exception: An individual who wishes to reinstate his or her driving privilege only (person is not applying for an Arizona license, either original or renewal) is not required to provide proof of authorized presence and would pay reinstatement fees only.

- E. A database record of an extended Arizona driver license, commercial driver license, identification license, or instruction permit is acceptable proof of authorized presence.
- F. Authorized presence requirements *do not apply* to the following transactions:
  - Requests for a duplicate or update of any license, regardless of the license issue date
  - Renewal of an extended license, under the circumstances provided in Section D, above
  - Title and/or registration transactions



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- G. To prove authorized presence, the customer must present at least one primary form of identification, see Policy [16.1.2 Acceptable Documentation](#). All documents must be in English and either an original or copy certified by the issuing agency. Depending on the primary form of identification presented, additional documentation may be required.
- H. A foreign passport (must be accompanied by a valid I-94 or an admissions stamp), Canadian driver license or Canadian birth certificate may be accepted as proof of the customer's authorized presence in the U.S. However, any other document issued by a foreign government (or agency) shall not be accepted for the purpose of proving authorized presence.

Note: Customers may present an electronic Form I-94, the arrival and departure record in paper format obtained from The United States (U.S.) Customs and Border Protection (CBP) website. This applies only to foreign visitors arriving in the U.S. by sea or air.

- I. A limited (Type F) license is issued to a customer who is applying for an identification license or Class D, G, or M driver license (or instruction permit) and whose period of authorized presence is for a limited period of time; as determined by the primary form of identification and any supporting documentation that is presented at the time of application, see the [Authorized Presence Document/License Expiration Date Chart](#) and/or [Customer Characteristics-USCIS Class Matrix](#).
- J. Prior to the issuance of a Type F license, the customer must meet all applicable eligibility and identity requirements, see the appropriate Driver and Identification License Issuance Screening policies.
- K. Pursuant to A.R.S. § 28-3002, a customer requesting an original (or renewing a) license must pay the applicable license fee, see Policy [16.1.6 Driver and Identification License Fees](#).
- L. Prior to the issuance of the Type F license, Customer Service supervisors or their designees shall verify and approve the customer's documentation. This includes documentation for Type F customers that present a verifiable Social Security Number/Card with their foreign documents. The CSR shall photocopy all approved source documents presented for the purpose of establishing name, date of birth, and authorized presence. The photocopied source documents, once processed (reviewed, verified, and accepted), are filmed to serve as evidence of the public filing of the licensing transaction, see Policy [5.1.3 Film Imaging Preparation](#)
  - 1. This does not apply to Type F duplicates/updates that do not require proof of authorized presence.
  - 2. The Technical Support Unit cannot verify or approve authorized presence documentation, or issue a Type F license.
  - 3. Authorized Third Party Providers are not authorized to issue Type F licenses.
- M. The Type F license expiration date shall coincide with the customer's assigned authorized presence expiration date (as shown on the primary form of identification or supporting documentation (e.g., I-20, I-797, DS-2019, etc.), unless an indefinite status or duration of status (D/S) has been granted.



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Note: To determine the license expiration date when the authorized presence documentation does not display a specific expiration date or simply states D/S, see the [Authorized Presence Document/License Expiration Date Chart](#) and/or [Customer Characteristics-USCIS Class Matrix](#).

- N. Prior to the Customer Service supervisor or their designees issuing the Type F license (delivering to camera), the CSR shall enter the applicable Customer Characteristic onto the Customer Record. Once added to the Customer Record the characteristic remains valid until expired. Customer Service supervisors and their designees are authorized to delete a characteristic that was entered in error. When a characteristic cannot be deleted, the supervisor or designee will "expire" the characteristic and enter an explanation in the Customer Characteristic transaction comment section.
- O. Except as provided in Section S, upon application for a Type F license, a customer who presents a USCIS Employment Authorization Card must also provide his or her Social Security Number (SSN), see Policy [2.1.8 Social Security Online Verification \(SSOLV\)](#). The [Customer Characteristics-USCIS Class Matrix](#) provides information on additional Type F customers required to provide a SSN.
- P. A Type F licensee, who is requesting that the name on his or her license be changed, must first change his or her name with the Social Security Administration, as applicable, before applying for the new license, see Policy [16.1.3 Establishing Name and Date of Birth](#).
- Q. Pursuant to A.R.S. § 28-3153, the CSR may issue a temporary Type F license (Class D, G, or M) pending verification of the customer's lawful presence in the U.S. To be eligible, the customer must submit a valid Notice of Action, form I-797, or other acceptable immigration or citizenship document and a fee of \$10. The temporary license:
- Is a hard copy license
  - Is valid for a maximum duration of 1 year at a time

Exception: With the approval of the Director's designee, alternative methods of status verification, including consultation with USCIS, may be used to issue a temporary Type F license.

- R. USCIS may assign a classification or status that prohibits the issuance of an Arizona license, see the [Customer Characteristics-USCIS Class Matrix](#) for information in regards to the various USCIS classification statuses and the Division's established expiration dates. A customer whose authorized presence document indicates any one of the following USCIS classification statuses is not eligible for any class or type Arizona license:
- C-1 Alien in transit directly through U.S.
  - C-1D Combined Transit and Crewman VISA
  - C-2 Alien in transit to UN headquarters
  - C-3 Foreign government official, members of immediate family, attendant, servant, or personal employee in transit
  - D-1 Crewmember departing on same vessel of arrival
  - D-2 Crewmember departing by means other than vessel of arrival

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S. A USCIS Employment Authorization Card (EAC) with one of the following category codes is not acceptable:


- Category A11 (Deferred Enforced Departure),
- Category C14 (Deferred Action), or
- Category C33 (Deferred Action for Childhood Arrivals)

See the [Authorized Presence Document/License Expiration Date Chart](#) and/or [Customer Characteristics-USCIS Class Matrix](#).

- T. The Division will not issue a license or permit (extended, limited, or temporary) when the customer presents documentation (may include a license) that does not appear to be legitimate or acceptable. CSRs, Customer Service supervisors, or designees shall follow the instructions provided in Policy [18.2.6 Suspected Fraudulent Identity and/or Documentation](#) when they suspect that the customer may not be the person identified by the documentation or the documentation does not appear to be legitimate.
- U. The U.S. Department of State Diplomatic Motor Vehicles Division has the sole authority to issue driver licenses, vehicle registrations, and titles for foreign missions and foreign mission members. States may not issue, and foreign mission or mission members may not legally apply for or receive a state driver license, motor vehicle title, registration and license plate in violation of limitations and conditions imposed by the Department of State, (this does not include Honorary Consuls). Visit the Department of State's Diplomatic Motor Vehicles Division website at [www.state.gov/ofm/dmv/](http://www.state.gov/ofm/dmv/).
- V. Any individual with a class "A" or "G" visa applying for motor vehicle services including driver licenses, vehicle registrations, motor vehicle titles, or license plates must present a United States State Department-issued original "Non-Eligibility Letter"

Date

16 September 2013

  
STACEY K. STANTON  
Division Director

Authority: USC 8, A.R.S. §§ 28-3002, 28-3153, 28-3157, 28-3158, 28-3164, 28-3165, R17-4-409 and Executive Order 2012-06

Procedure/Steps: [Screening](#), [Customer Characteristics](#), [Customer Characteristics \(MDCHAR\)](#)